REMARKS

The Office Action dated February 5, 2008 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-38 are pending in this application, including independent claims 1, 6, 7, 9, 14, 15, 23, 28, 30, 32, and 37-38. Specifically, Applicants have amended claims 1-15 and added claims 16-38. It is respectfully submitted that the claim amendments and additions add no new subject matter to the present application and serve only to more particularly point out and distinctly claim the subject matter that Applicants regard as the invention. Applicants urge that all grounds for rejection in the Office Action have been addressed and that the present application is currently in condition for allowance in view of the claim amendments, claim additions, and the following explanations. Therefore, entry of the claim amendments and reconsideration of claims are respectfully requested. Claims 1-38 are respectfully submitted for reconsideration.

Rejection under 35 U.S.C. §102(a)

The Office rejected claims 1-15 under 35 U.S.C. §102(a) as being allegedly anticipated by Francis, *et al.*, "Design Issues for Prepaid Data Service," June 2002 (Francis). As described below, Applicants respectfully urge that that this rejection is legally and factually improper because Francis fails to disclose each and every limitation of the any of the pending claims. Therefore, reconsideration of claims 1-15,

consideration of claims 16-38, and allowance of all pending claims 1-38 are respectfully requested.

Independent claim 1, from which claims 2-5 depend, relates to a method, comprising reserving resources from a prepayment system for prepaid data services, the prepaid data services being divided into at least two service groups of different charging criteria in a network, wherein an initial data delivery limit is set for each service group based on the resources and information about the charging criteria. Continuing with the method of claim 1, a message containing information about the initial data delivery limits from the rating device to a measuring device is sent, wherein proportional data delivery limits are allocated for each service group individually. Specifically, remaining resources to the service groups are reallocated based on pricing weights of the service groups to obtain new proportional data delivery limits for each service group individually, the new proportional data delivery limits being for use in delivery of data after a service group has exceeded its proportional data delivery limit.

Independent claim 6 relates to a system, comprising a prepayment system hosting prepaid resources. The system of claim 6 further includes a rating device configured to obtain information of the prepaid resources and of charging criteria of service groups and to set initial data delivery limits for the service groups based on the obtained information. The system of claim 6 also includes a meter configured to allocate proportional data delivery limits for each service group individually, to measure use of each of the service groups, and to reallocate remaining free resources to the service groups based on pricing weights of the service groups to obtain new proportional data delivery limits for each

service group individually for delivery of data when a service group exceeds its proportional data delivery limit.

Independent claim 7, from which claim 8 depends, relates to a system, comprising at least one data communication network. The system of claim 7 also includes a prepayment system hosting prepaid resources. The system of claim 7 also includes a rating device configured to obtain information of the prepaid resources and of charging criteria of service groups and to set initial data delivery limits for the service groups based on the obtained information. Also, a meter configured to allocate proportional data delivery limits for each service group individually, to measure use of each of the service groups, and to reallocate remaining free resources to the service groups based on pricing weights of the service groups to obtain new proportional data delivery limits for each service group individually for delivery of data when a service group exceeds its proportional data delivery limit.

Independent claim 9, from which claims 10-13 depend, relates to an apparatus, comprising a reserver configured to reserve resources from a prepayment system for prepaid data services, the prepaid data services being divided into at least two service groups of different charging criteria in a network. A setter in the apparatus is configured to set , via a rating device, an initial data delivery limit for each service group based on the resources and information about the charging criteria. The apparatus of claim 9 also includes a transmitter configured to send a message containing information about the initial data delivery limits from the rating device to a meter, and an allocater configured to allocate, in the meter, proportional data delivery limits for each service group

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individually. A reallocater in the apparatus is configured to reallocate, in the meter, remaining resources to the service groups based on pricing weights of the service groups to obtain new proportional data delivery limits for each service group individually, the new proportional data delivery limits being for use in delivery of data after a service group has exceeded its proportional data delivery limit.

Independent claim 14. from which claims 16-18 depend, relates to a device comprising a reserver configured to reserve resources from a prepayment system for prepaid data services divided into at least two service groups of different charging criteria. The device also includes a processor configured to obtain information of prepaid resources reserved from a prepayment system for prepaid data services divided into at least two service groups of different charging criteria and of charging criteria of service groups of prepaid data services and to set initial data delivery limits for the service groups based on the obtained information. A transmitter in the device is configured to send a message containing information about initial data deliver limits to a measuring device.

Independent claim 15, from which claim 19-22 depend, relates to an apparatus, comprising a processor configured to allocate proportional data delivery limits for each of at least two data service groups of different charging criteria. A meter in the device is configured to measure use of each of the service groups and to reallocate remaining free resources to the service groups based on pricing weights of the service groups to obtain new proportional data delivery limits for each service group individually for delivery of data when a service group exceeds its proportional data delivery limit.

Independent claim 23, from which claims 24-27 depend, relates to a method comprising allocating proportional data delivery limits for each of at least two data service groups of different charging criteria. Use of each of the service groups is measured, and remaining free resources are reallocated to the service groups based on pricing weights of the service groups to obtain new proportional data delivery limits for each service group individually for delivery of data when a service group exceeds its proportional data delivery limit.

Independent claim 28, from which claim 29 depends, relates to a method, comprising reserving resources from a prepayment system for prepaid data services divided into at least two service groups of different charging criteria. Information is obtained of prepaid resources reserved from a prepayment system for prepaid data services divided into at least two service groups of different charging criteria and of charging criteria of service groups of prepaid data services and to set initial data delivery limits for the service groups based on the obtained information. A message is then sent containing information about initial data deliver limits to a measuring device.

Independent claim 30, from which claim 31 depends, relates to an apparatus comprising reserving means for reserving resources from a prepayment system for prepaid data services divided into at least two service groups of different charging criteria. The apparatus further includes processing means for obtaining information of prepaid resources reserved from a prepayment system for prepaid data services divided into at least two service groups of different charging criteria and of charging criteria of service groups of prepaid data services and to set initial data delivery limits for the

service groups based on the obtained information. The apparatus also includes transmitting means for sending a message containing information about initial data deliver limits to a measuring device.

Independent claim 32, from which claims 33-36 depend, relates to an apparatus, comprising processor means for allocating proportional data delivery limits for each of at least two data service groups of different charging criteria. The apparatus of claim 32 also includes metering means for measuring use of each of the service groups and to reallocate remaining free resources to the service groups based on pricing weights of the service groups to obtain new proportional data delivery limits for each service group individually for delivery of data when a service group exceeds its proportional data delivery limit.

Independent claim 37 relates to computer program embodied on a computer-readable medium configured to control a processor to perform reserving of resources from a prepayment system for prepaid data services divided into at least two service groups of different charging criteria. Information is obtained of prepaid resources reserved from a prepayment system for prepaid data services divided into at least two service groups of different charging criteria and of charging criteria of service groups of prepaid data services and to set initial data delivery limits for the service groups based on the obtained information. A message is then sent containing information about initial data deliver limits to a measuring device.

Independent claim 38 relates to computer program embodied on a computer-readable medium configured to control a processor to perform allocation of proportional

data delivery limits for each of at least two data service groups of different charging criteria. Use of each of the service groups is measured, and remaining free resources are reallocated to the service groups based on pricing weights of the service groups to obtain new proportional data delivery limits for each service group individually for delivery of data when a service group exceeds its proportional data delivery limit.

As described below, each of the above-presented independent claims recite limitations that are not disclosed or suggested by Francis.

Applicants have carefully reviewed Francis. Referring, for example to FIG. 1 at page 4 and the related disclosure in section 3, Francis describes an architecture for allowing multiple services to be used from the same prepaid account. The architecture disclosed in Francis includes a prepaid application database (PPDB) for storing an account balance for a user. A prepaid application server (PAS) runs a prepaid application and allocates quotas to PUPs (Prepaid Usage Point). A PUP receives quotas from the PAS and measures and enforces usage, i.e. allows or denies usage to the user. The PAS then tells the PUP what to do when a quota is reached, which may be to maintain the session, but limit service to replenishment and free services. Francis further discloses that the PAS should be able to shrink quotas.

Referring now to claim 15, Applicant urge that Francis does not disclose the limitation of "a processor configured to allocate proportional data delivery limits." As described above, no strategy for allocating such data delivery limits is disclosed in Francis, which is simply silent regarding this recitation.

Continuing with claim 15, Francis further does not disclose a meter configured "to reallocate remaining free resources to the service groups based on pricing weights of the service groups to obtain new proportional data delivery limits for each service group individually for delivery of data when a service group exceeds its proportional data delivery limit." Instead, as described document states explicitly in the second paragraph of page 13 that the best strategy to use is out of the scope of the document. Thus, Francis teaches the use of shrinking quotas, but provide no mechanism for doing so. In this way, even if it could be argued that Francis suggests that this limitation from claim 15 is desirable (not admitted), Applicants urge that the cited reference does not enable a person of ordinary skill in the field of communications to implement the recited invention of claim 15 using of the disclosure in Francis.

In summary, Applicants note that under 35 U.S.C. §102(a), a *prima facie* rejection must address each and every claim limitations. MPEP §§2121. As noted above, Francis fails to disclose each and every recited limitation of claim 15. For at least these reasons, Applicants respectfully request that the rejection of claim 15 be withdrawn. Applicants also respectfully request that the rejection to claims 1, 6, 7, and 9 be withdrawn as each of these claims, although patentably distinct and having a separate scope, includes similar limitations as described above in claim 15. Furthermore, Applicants respectfully request that the rejection of claims 2-5, 8, and 10-13 be withdrawn for at least their dependency from claims 1, 6, 7, and 9 as well as for the separate limitations recited in these claims. Reconsideration and allowance of claims 1-13 and 15 are respectfully requested.

Likewise, consideration and allowance of new claims 19-26 and 32-37 are requested on similar basis.

Referring now to claim 14, Applicants further urge the Francis fails to disclose each and every limitation recited in this claim, and therefore, the recited subject matter of amended claim 14 differs from any disclosure in Francis. Applicants note, for example, that Francis does not teach the liimation of "a reserver configured to reserve resources from a prepayment system for prepaid data services divided into at least two service groups of different charging criteria." Although the Office Action alleged that reserving resources is taught by the definition of "account" on page 3 of Francis, Applicants respectfully urge that the analysis in the Office Action is technically inaccurate. Specifically, the definition of account in Francis express relates to a user purchasing an account and not to a device comprising a reserver configured to reserve resources.

Continuing with claim 14, the Office Action further alleged that "a processor configured to receive information of prepaid resources from a prepayment system for prepaid data services divided into at least two service groups of different charging criteria and of charging criteria of service groups of prepaid data services" is disclosed on page 4 of Francis. Applicants have carefully reviewed this and other disclosure in Francis and respectfully urge that the reference does not contain any disclosure that would anticipate this limitation from claim 14. At best, Francis discloses that the PPDB merely stores an account balance and information about quotas allocated to PASs, but this does not teach or suggest that the information is "for prepaid data services divided into at least two

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service groups of different charging criteria and of charging criteria of service groups of prepaid data services."

Applicants further note that Francis is clear on page 6, third paragraph, that this reference does not concern how the PAS/PADB may be implemented. Accordingly, even if it could be argued that PAS is considered to correspond to a rating device and a PADB to correspond to a prepayment system as improperly alleged in the Office Action (not admitted), Francis does not teach the recitation of a rating device that relate to its interaction with a prepayment system through the "reserver" and the "processor" of claim 14.

As noted above, Francis also fails to disclose each and every recited limitation of claim 14. For at least these reasons, Applicants respectfully request that the rejection to claim 14 be withdrawn. Reconsideration and allowance of claim 14 are therefore respectfully requested. Likewise, new claims 16-18, 27-31 and 38, although patentably distinct and having separate scopes, include similar limitations as described above in claim 14. Consideration and allowance of these claims are therefore requested on similar basis.

In light of the foregoing, Applicants respectfully assert the cited reference fail to disclose or suggest all of the limitations recited in any of claims 1-38. Accordingly Applicants respectfully request that the anticipation and obviousness rejections be hereby withdrawn. Furthermore, Applicants respectfully request that claims 1-38 be passed to issue with the allowance of the pending claims.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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Enclosures: Petition for Extension of Time
Additional Claim Fee Transmittal
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